

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

L. RUTHER,

Plaintiff,

Case No. 17-cv-10176
Hon. Matthew F. Leitman

v.

STATE OF MICHIGAN,

Defendant.

ORDER (1) DISMISSING ORDER TO SHOW CAUSE (ECF #3), (2)
DISMISSING AMENDED COMPLAINT (ECF #4) WITHOUT
PREJUDICE, AND (3) DENYING APPLICATION TO PROCEED IN
FORMA PAUPERIS (ECF #2) AS MOOT

On January 9, 2017, Plaintiff L. Ruther filed a handwritten Complaint in this Court against Defendant the State of Michigan. (*See* Compl., ECF #1.) Ruther also filed an application to proceed *in forma pauperis* in this action. (*See* Application, ECF #2.)

The Court attempted to review Ruther's Complaint, but it could not decipher his handwriting. Nor could it determine what Ruther's alleged cause of action was or how the Court had jurisdiction over his claim(s). Accordingly, on January 25, 2017, the Court entered an Order to Show Cause requiring Ruther to "file an Amended Complaint that contain[ed] (1) a more definite statement of his claim(s) against the State of Michigan and (2) sufficient factual allegations to establish this

Court's subject-matter jurisdiction." (ECF #3 at Pg. ID 6.) In addition, the Court required to Ruther to submit his amended pleading "in a format that [was] legible to the Court." (*Id.* at Pg. ID 7.) Specifically, the Court ordered Ruther to

either (1) submit his Amended Complaint in a typed format (either by use of computer, typewriter, or other word processor) or (2) hand-write the Amended Complaint on every other line of his paper (i.e., he must leave a blank line in between the lines of text that he writes). Any hand-written Amended Complaint shall also use both uppercase and lowercase letters (i.e., it must not use all capital letters) and no writing shall appear within one inch of the top or bottom of each page.

(*Id.*) The Court warned Ruther that if he did not file an Amended Complaint that complied with the Court's requirements, it would dismiss his action without prejudice. (*See id.*)

Ruther filed an Amended Complaint on February 6, 2017. (*See* ECF #4.) His Amended Complaint does not comply with the Court's Order to Show Cause and is nearly indecipherable. The Amended Complaint does not appear to contain a more definite statement of his claim, does not appear to contain sufficient allegations to establish this Court's jurisdiction, and is neither typed nor hand-written on every other line of paper with the use of upper and lower case letters, which makes it nearly impossible to read.

Therefore, because Ruther has failed to comply with the Court's Order to Show Cause, and because he has failed to establish that the Court has jurisdiction over his claim(s), **IT IS HEREBY ORDERED** as follows:

- The Court's January 25, 2017, Order to Show Cause (ECF #3) is **DISMISSED**;
- Ruther's Amended Complaint (ECF #4) is **DISMISSED WITHOUT PREJUDICE**; and
- Ruther's application to proceed *in forma pauperis* (ECF #2) is **DENIED AS MOOT**.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 3, 2017

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 3, 2017, by electronic means and/or ordinary mail.

s/Holly A. Monda
Case Manager
(313) 234-5113